



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,433	08/07/2003	William J. Aldrich	MWS-059RCE	2610
74321 7590 01/30/2009 LAHIVE & COCKFIELD, LLP/THE MATHWORKS FLOOR 30, SUITE 3000 One Post Office Square Boston, MA 02109-2127				
EXAMINER THERIAULT, STEVEN B				
ART UNIT		PAPER NUMBER		
2179				
MAIL DATE		DELIVERY MODE		
01/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/637,433

Applicant(s)

ALDRICH, WILLIAM J.

Examiner

STEVEN B. THERIAULT

Art Unit

2179

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Steven B Theriault/
Primary Examiner
Art Unit: 2179

Continuation of 11, does NOT place the application in condition for allowance because: the Examiner has reviewed the applicant's arguments and they are not persuasive. MPEP 2123 specifically states that "Patents are relevant as prior art for all that they contain and for all that they would have reasonably suggested to one of ordinary skill in the art. MPEP 2144 states that in considering the disclosure of a reference it is proper to take into account not only the specific teachings of the reference but also the inferences which one of ordinary skill in the art would reasonably expect to draw there from. Therefore, as stated in the final rejection Belscak clearly teaches associating a graphical object with a section of a document and the document is a web-based document. Therefore a web-based document is clearly established in the art as an HTML document that contains tags. Belscak specifically outlines relationships, which are associations between parties and instruments that are modeled as a graphical depiction (See column 9, lines 30-67). In summary, Belscak provides a tag based HTML document that is displayed to the user where graphical relationships displayed within the page are linked to sections within the document. As stated in the final, Belscak was not seen as specifically reciting associating tags with the graphical representations, even though the structure of Belscak provides for HTML documents. The examiner relied upon the combination of Belscak and Shaughnessy because both teach a mechanism of web-based report generation and Shaughnessy provides a specific teaching as to how a graphical model that is a template HTML based specification can have a data structure where a data item relates to another data item, via a tag associations. Therefore, as outlined in Shaughnessy (figure 6) the two column regions and graph represent a report where the data, 210, 212 etc are specified by xml data tags. The graph 208 is also displayed based on the XML tag in the template (See column 4, lines 20-42). Both references teach presenting graphical models and the structure for associating data to graphical elements. The purpose of Shaughnessy is to display elements of the model in a manner specified by an XML tag based template. Therefore, the report will have a data item displayed in a specific font based on the XML style tags and the regions of the report will display the text based on the layout tags and the graph is displayed in a format based on the graph tags. All of which represent in the broadest sense an association. The skilled artisan would determine the broad meaning of association as a connection, tie, link, or some other attachment linking the tag of the templates of Shaughnessy to the report process of Belscak for the purposes of displaying data from multiple data sources in a single report and in a specified format.

The present application defines an association as: "The same tags that are embedded in the report are stored as part of the data structures represented by the graphical objects in the graphical model representation. A tag or association, which can be a hyperlink, is a selectable connection from one word, picture, or information object to another in a multimedia environment such as the World Wide Web, and such objects can include sound and motion video sequences. The most common form of link is a highlighted word or picture that can be selected by the user (with a mouse or in some other fashion), resulting in the immediate delivery and view of another file. The highlighted object is referred to as an anchor. The anchor reference and the object referred to constitute a hyperlink."

The analysis applied by the Examiner in interpreting Shaughnessy is that interpretation of associations in light of the structure in the specification and that as understood by one of ordinary skill in the art is a tag that is a part of a data structure (see Shaughnessy Figure 3), that can be a hyperlink, or selectable connection from one word, picture or information object. Which is specifically what Belscak teaches, as the user interacts with the graphical model and Shaughnessy teaches the specific graphical model is generated in a specific manner and based on a template defined by XML tags for the expressed purpose of displaying the report in a specific format. In conclusion, the claims remain rejected over the final office action mailed 11/26/2008.